

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 02 2015 ★

LONG ISLAND OFFICE

-----X  
JOSE CALVENTE,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL  
FACILITY,

Defendants.  
-----X

JURY TRIAL IS DEMANDED

**CV 15, 2024**

**BIANCO, J.**

**LINDSAY, M.**

I. PREVIOUS LAWSUITS:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

I have begun a lawsuit in the County of Suffolk, Supreme Court: Civil Term. I began that action in regards to the same facts that will be involved in this action. I started that action by filing an Notice of Intention to File a Claim, with both the Suffolk County Attorney and the Clerk of the Suffolk County Civil Term, Supreme Court. This aforementioned Notice of Intention to File a Claim, was filed on the 12 day of March, 2014. I have not filed an actual claim in the court. I have now chosen that I will not proceed, in the Supreme Court, I have chosen that the District Court is the best case for this claim to be filed.

II. PLASE OF PRESENT CONFINEMENT:

I am presently confined at the Marcy Correctional Facility. The mailing address to the Marcy Correctional

is Marcy Correctional Facility, PO Box 3600, Marcy New York 13403-3600. Please be advised that the Marcy Correctional Facility is under the jurisdiction of the New York State Department of Corrections and Community Supervision.

Yes there is a prisoner grievance procedure at my current place of incarceration. However, I did not file a grievance at the Marcy Correctional Facility, as the Suffolk County Correctional Facility, is a County jail, and not under the jurisdiction of the New York State Department of Corrections and Community Supervision. If I was to file a grievance regarding the facts of this claim at the grievance department at my facility it would not be accepted.

I am not sure if the Suffolk County Correctional Facility has a grievance procedure at the institution. However, I did complain to the prison authorities regarding the facts of this case, by filing a Notice of Intention to File a Claim.

### III. PARTIES:

**NAME OF PLAINTIFF:**

Jose Calvente, Marcy Correctional Facility, Box: 3600 Marcy, New York 13403.

**NAME OF DEFENDANT:**

Suffolk County Correctional Facility, 100 Center Drive, Riverhead, New York 11901.

IV. STATEMENT OF CLAIM:

While I was incarcerated at the Suffolk County Correctional Facility, I was moved from one housing unit to another housing unit. At the first housing unit, I was already placed in a Bottom Bunk. Once my housing unit was changed to the second housing unit, I was placed in the top bunk. I was moved from the first housing unit to the second housing unit on the 4th day of March, 2014.

I was placed in the top bunk by the Correction's Officers, even after I stated to the Correction's Officers, that I was of 65 years of age, with many health problems, along with back problems. Even though I informed the Officers, of all my conditions, and issues, I was still forced to accept the Top Bunk placement. On the 4th day of March, 2014, while sleeping on the top bunk, I had to get up and climb down a little ladder just to use to bathroom. While I just trying to climb down this small aforementioned ladder, I fell and cut my head open. At this time it was around 4:00 in the morning. I had started yelling for the attention of the Correction's Officers, and had to push the intercom call button numerous times, I had not response from any of the Correction's Officers. I had not been provided with any medical attention or assistance from the Correction's Officers, until 6:00 in the morning.

At around 6:00 in the morning, I was brought to the

Medical Unit. Upon being examined and seen by the nurse, I was sent to the outside hospital, as the Medical Unit, at the Suffolk County Correctional Facility was unable to handle or provide me with the care was needed.

**IV.A. CLAIMING INJURIES:**


I am claiming injuries as a result of the events of this action because I recieved a cut on the back of my head, which went about two hours without being treated. I was sent to the outside hospital for treatment which resulted me recieving staples, to close the wound. To this date, I suffer servere headaches, and under go dizzy spells and experience blurry vision. Prior to this occurance, I never experienced any of the aforementioned issues.

**V. RELIEF:**

I am seeking that this court, finds in the favor of the plaintiff. I further ask that the court, hold's the Suffolk County Correctional Facility, responsible due to their failure to protect, and for their failure to provide proper medical attention, and for their failure to keep the plaintiff free from creul and unusual punishment. I ask that this court, order's an order of monentary value, which will be requested by the plaintiff in the Claim and Summons. Furthermore, this plaintiff request that the court grants whatever further, relief that this court deems to be just and warranted.

I declare that under penalty of perjury that on this 25 day of March, 2015, I delivered this complaint to prison authorities to be mailed to the United States District Court for the Eastern District of New York. I have personally placed this complaint in a proper addressed envelope, and sealed the envelope that was used.

Signed this 25 day of March, 2015. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
Jose Calvente, Plaintiff  
Marcy Correctional Facility  
Box: 3600  
Marcy, New York 13403

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )

COUNTY OF ONEIDA )

) ss.:


**CV 15 2024**  
**BIANCO, J.**

I, JOSE CALVENTE, being duly sworn, deposes and says:

That on the 25 day of March, LINDSAY, M., 2015, I served one Original Complaint and Two copies, of the annexed papers, by depositing the same endorsed in a postpaid properly addressed wrapper in the official depository of the Marcy Correctional Facility, under the exclusive care of the New York State Department of Corrections and Community Supervision, sent to the following individual at the addresses designated by them.

Clerks Office  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

ONE ORIGINAL COMPLAINT AND TWO COPIES

  
Jose Calvente, Plaintiff  
Marcy Correctional Facility  
Box: 3600  
Marcy, New York 13403

SWORN TO BEFORE ME THIS:

22nd day of March, 2015

  
NOTARY PUBLIC

BRENT L. ROGERS  
Notary Public in the State of New York  
Qualified in Madison County 01RO6202020  
My Commission Expires March 9, 20 17

Jose Calvente 14-A-5049  
Marcy Correctional Facility  
Box: 3600  
Marcy, New York 13403  
March 24, 2015

United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722  
Attn: Honorable Clerk

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

CV 15 2024

BIANCO, J.

★ APR 02 2015 ★

LONG ISLAND OFFICE

LINDSAY, M.

Dear Sir/Madam:

My name is Jose Calvente, I am currently incarcerated at the Marcy Correctional Facility. I am preparing a lawsuit in this courts jursdiction, against the Suffolk County Correctional Facility.

Attached to this letter, you will find one original and two copies of the Civil Rights Complaint, that I am filing under 42 U.S.C. §1983. Please assign this complaint a Docket Number, and provide me with that number, so that I may continue and file the remaining copies.

Please be advised, that since I am currently incarcerated and do not have the required \$350 file fee, I am submitting in forma pauperis motion, to proceed without paying the required filing fee.

I thank you for your attention and copperation in this matter. I look forward to having a good working relationship with each other. I hope to recieve the docket number soon. I look forward to your reply.

Again, thank you.

Sincerely,



Jose Calvente, DIN: 14-A-5049  
Plaintiff - Pro-Se



MARCY CORRECTIONAL FACILITY



047J6210333  
\$0.16  
03/30/2015  
Mailed From: 10-103  
US POSTAGE

MARCY CORRECTIONAL FACILITY  
BOX 3600  
MARCY, N.Y. 13403-3600

NAME: JOSE CALVENTE DIN: 14-A-5049



CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
100 Federal Plaza  
Central Islip, New York 11722

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LEGAL MAIL

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